

JUN - 6 2007

UNITED STATES DISTRICT COURT  
DISTRICT OF THE NORTHERN MARIANA ISLANDSFor The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

UNITED STATES of AMERICA, )  
Plaintiff, ) Case No.: No. 07-0000<sup>8</sup>/<sub>12</sub>  
v. )  
DETERMINATION ORDER  
JEFFREY H. BORJA, )  
Defendant. )  
)

The charges in this case involve an offense for which the maximum term of imprisonment is ten (10) years or more as prescribed in the Controlled Substances Act, 21 U.S.C. § 801 *et seq.* 18 U.S.C. § 3142(f)(1)(C). This case also involves a serious risk that the defendant will flee the jurisdiction and not appear for further proceedings. 18 U.S.C. § 3142(f)(2)(A).

On May 31, 2007, this Court held a hearing pursuant to 18 U.S.C. § 3142(f) on the government's motion to detain the defendant pending trial. Having considered the Indictment, other information presented by the government, as well as the representations of counsel, the Court hereby makes the following findings of fact and states its reasons for detaining the defendant.

**FINDINGS OF FACT**

1. On or about May 4, 2007, a grand jury sitting in this District returned an Indictment charging the defendant with distribution of methamphetamine in the form commonly

1 known as "ice." The Indictment alleges that Defendant committed the offense within one  
2 thousand feet (1000') of a school on the island of Tinian.

3 2. The purchase of drugs from the defendant was accomplished through the use of a  
4 cooperating witness. Though recordings of that meeting are no longer available, Defendant had  
5 confessed to being involved in the distribution with which he is charged as well as the  
6 distribution of ice on other occasions.

7 3. Defendant resides on Tinian, but has no telephone and presently has no other  
8 means of remaining in contact with the Probation Office. He is also unemployed.

9 4. Pursuant to 18 U.S.C. § 3142(e), the Court also finds that there is no condition or  
10 combination of conditions will reasonably assure the appearance of the person as required or the  
11 safety of any other person or the community.

12 **REASONS FOR DETENTION**

13 In making its determination to detain the defendant pending trial, the Court has taken into  
14 account available information concerning and has considered the several factors enumerated in  
15 18 U.S.C. § 3142(g). Having done so, the Court finds that:

16 (1) The nature and circumstances of the offense charged in this case are very  
17 serious. The offense is one for which the maximum prescribed penalty is more than ten (10)  
18 years. If convicted, the defendant is facing at least a mandatory minimum of one year in jail  
19 under 21 U.S.C. § 860.

20 (2) The weight of the evidence is considerable. The transactions in which the  
21 defendant is alleged to have been involved took place under the surveillance of law enforcement  
22 agents. Defendant has made significant admissions to law enforcement officers acknowledging  
23 his commission of this offense as well as being involved in distribution of ice on other occasions.

1 (3) Defendant's activity involved the distribution of an extraordinarily dangerous and  
2 highly addictive controlled substance that has had a devastating effect on the CNMI community.  
3 In this instance, the conduct occurred near a school, placing young people at risk. The activity in  
4 which the defendant was involved continues to pose a significant risk to the community as a  
5 whole and his release into the community would only heighten that risk.

6 For all of these reasons, the Court finds that no condition or combination of conditions  
7 will reasonably assure the appearance of the defendant as required and the safety of any other  
8 person and the community. Accordingly, it should be and hereby is:

9 **ORDERED** that the defendant be detained pending further proceedings in this matter;  
10 and it is further

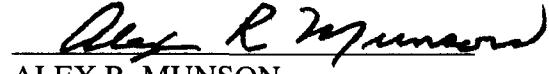
11 **ORDERED** that the defendant be committed to the custody of the Attorney General for  
12 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or  
13 serving sentences or being held in custody pending appeal; and it is further

14 **ORDERED** that the defendant be afforded reasonable opportunity for private  
15 consultation with counsel; and it is further

16 **ORDERED** that, on order of a court of the United States or on request of an attorney for  
17 the government, the person in charge of the corrections facility in which the defendant is  
18 confined to deliver the defendant to a United States marshal for the purpose of an appearance in  
19 connection with a court proceeding.

20  
21  
22 SO ORDERED

23 6-6-07  
24 Date

  
25 ALEX R. MUNSON  
United States District Court Judge